



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

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THE HONOURABLE DR.JUSTICE **G. JAYACHANDRAN**

W.P(MD)No.1666 of 2019

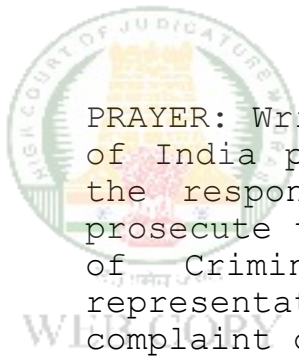
Kannan

.. Petitioner

Vs.

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
St. George Fort, Chennai - 9.
- 2.The Secretary of Tamil Nadu,
Department of Home,
St. George Fort, Chennai - 9.
- 3.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 4.
- 4.The Additional Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 4.
- 5.The Inspector General of Police,
South Zone, Madurai.
- 6.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.
- 7.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 8.The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.
- 9.The Inspector of Police,
Emaneshwaram Police Station,
Emaneshwaram, Ramanathapuram District.
- 10.Muruganathan,
Sub Inspector of Police,
Emaneshwaram Police Station,
Emaneshwaram, Ramanathapuram District.

.. Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 9 to accord appropriate prior sanction to prosecute the 10th respondent as stipulated under Section 197 of Code of Criminal Procedure, 1973 by consider the petitioner's representation dated 03.01.2019 on the basis of the petitioner's complaint dated 28.12.2018 and pass such further or other orders.

For Petitioner : Mr.T.Veerakumar

For Respondents 1 to 9 : Mr.A.Thiruvadikumar,
Addl. Public Prosecutor.

ORDER

The petitioner herein, who is an accused in a case in Crime No.161 of 2018 for an offence under Section 294(b) IPC alleging he abused the Sub Inspector of Police, while discharging his duty, has come before this Court seeking a direction to the respondents 1 to 9 to accord sanction under Section 197 Cr.P.C.

2.On going through the records and hearing the learned counsel for the petitioner, this Court finds that the petitioner herein, who faces criminal prosecution, to escape from the prosecution, has now filed this writ petition as if the Sub Inspector of Police, who is the de facto complainant in Crime No.161 of 2018, has assaulted him and he is liable to be prosecuted. This Court finds no merit to entertain this writ petition. However, it is always open to the petitioner herein to prove his innocence in the criminal prosecution initiated against him and thereafter, work out his remedy for malicious criminal prosecution or any other remedy available under law.

3.With the above observations, this Writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The Secretary to Government,
Government of Tamil Nadu,
St. George Fort, Chennai - 9.
- 2.The Secretary of Tamil Nadu,
Department of Home,
St. George Fort, Chennai - 9.
- 3.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 4.
- 4.The Additional Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai - 4.
- 5.The Inspector General of Police,
South Zone, Madurai.
- 6.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram
- 7.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 8.The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-4151[F] dated 04/02/2022)

ORDER MADE IN
W.P (MD) No.1666 of 2019
03.02.2022

smn

MS/16.02.2022/3P.10C